**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE J.B.KOSHY**
**&**
**THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR**

**TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928**

**OP.No. 2670 of 1997(P)**
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**PETITIONERS:**
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1. **ANITHA K., SOUGANDHIKA,**
   **KUZHIMATTAM P.O., KOTTAYAM – 686 533.**

2. **SURESHKUMAR V., CHARMILA PUTHENVEEDU,**
   **PUNNALA P.O., KOLLAM – 689 706.**

3. **P.VIJAYAKUMAR P., DHANYA, TC 20/296,**
   **MALARANNUR, KARAMANA P.O.,**
   **THIRUVANANTHAPURAM – 675 002.**

4. **R.SARITHA, THUNDIYIL HOUSE,**
   **LAKASSERRY, CHENGANNUR P.O., ALLEPPEY – 689 121.**

5. **R.MAYADEVI, KUTHIYILAZHIKATHU THEKKAPPURA,**
   **MUTHUPILAKKADU WEST, MUTHUPILAKKADU P.O.,**
   **KOLLAM – 690 520.**

6. **ANILKUMAR B., THADATHIVIKATHU VEEDU,**
   **CHEMPAZHATH P.O., THIRUVANANTHAPURAM-675 587.**

7. **JAMES T.P., THUNDIL PUTHEN BONYLAND,**
   **MYLAM (PO), KOTTARAKKARA, KOLLAM – 691 560.**

8. **SUMI KURIAN, VARICKANICKAL, UPPUTHODE (PO),**
   **IDUKKI PIN – 685 602.**

**BY ADV. SRI.R.PARTHASARATHY**

**....2/-**

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY, THIRUVANANTHAPURAM.

2. KERALA PUBLIC SERVICE COMMISSION, REPRESENTED BY SECRETARY, THIRUVANANTHAPURAM.

3. KERALA STATE CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK LTD., REPRESENTED BY SECRETARY, THIRUVANANTHAPURAM.

4. THE MANAGING DIRECTOR, KERALA STATE CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK LTD., THIRUVANANTHAPURAM.

*ADDL.R5 IS IMPLEADED:

R5. THE BOARD OF DIRECTORS, KERALA STATE CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK LTD., REPRESENTED BY ITS PRESIDENT.

(ADDL.R5 IS IMPLEADED AS PER ORDER DTD. 19/12/2006 IN C.M.P.NO.11809/1998)

BY ADV. SRI.P.N.SANTHOSH
SRI.M.P.PRABHANANDAN
SRI.P.C.SASIDHARAN, SC, KPSC for R2
SRI.D.SOMASUNDARAM for R4
SRI.M.R.SUDHEENDRAN for R3
SRI.T.R.RAMACHANDRAN NAIR for Addl.R5
BY GOVT.PLEADER SRI. P.A. SALIM for R1

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**O.P.NO.2670/1997 P**

**ORDER ON CMP.NOS.4770 & 5453/1997 IN OP.NO.2670/1997**

**DISMISSED**

**19/12/2006** **SD/- J.B.KOSHY, JUDGE**

**SD/-K.PADMANABHAN NAIR, JUDGE**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

**EXT.P1:** **COPY OF THE RANK LIST PREPARED BY THE SELECTION COMMITTEE AND APPROVED BY THE DIRECTOR BOARD.**

**EXT.P2:** **COPY OF THE ORDER IN CMP 35599/95 DTD. 15/12/95.**

**EXT.P3:** **COPY OF THE RESOLUTION PASSED BY THE DIRECTOR BOARD DTD. 27/12/1995.**

**EXT.P4:** **COPY OF THE APPOINTMENT ORDER ISSUED TO THE 1ST PETITIONER DTD. 28/12/95.**

**EXT.P5:** **COPY OF AGENDA NO.9 FOR THE MEETING OF DIRECTOR BOARD DTD. 5/08/96.**

**EXT.P6:** **COPY OF THE PROCEEDINGS OF THE 3RD RESPONDENT APPOINTING 1ST PETITIONER AS ASSISTANT FOR A PERIOD OF 180 DAYS OR TILL PSC HANDS JOINED DUTY DTD. 7/08/96.**

**EXT.P7:** **COPY OF THE PROCEEDINGS OF THE 4TH RESPONDENT TERMINATING THE SERVICES OF PETITIONERS DTD. 5/02/1997.**

**EXT.P8:** **COPY OF THE PROCEEDINGS OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES DTD. 5/09/86.**

**EXT.P9:** **COPY OF THE ORDER OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES SANCTIONING SUCH NORMS FOR THE PURPOSE OF APPOINTMENT DTD. 4/01/89.**

**EXT.P10:** **COPY OF THE ORDER OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES SANCTIONING SUCH NORMS FOR THE PURPOSE OF APPOINTMENT DTD. 19/09/90.**

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**EXT.P11:** COPY OF THE ORDER OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES SANCTIONING SUCH NORMS FOR THE PURPOSE OF APPOINTMENT DTD. 25/02/91.

**EXT.P12:** COPY OF THE ORDER OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES SANCTIONING SUCH NORMS FOR THE PURPOSE OF APPOINTMENT DTD. 2/03/91.

**EXT.P13:** COPY OF THE ORDER OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES SANCTIONING SUCH NORMS FOR THE PURPOSE OF APPOINTMENT DTD. 26/03/93.

**EXT.P14:** COPY OF THE ORDER OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES SANCTIONING SUCH NORMS FOR THE PURPOSE OF APPOINTMENT DTD. 12/02/1993.

**EXT/P15:** COPY OF THE TABULAR STATEMENT CONTAINING THE NO. OF POSTS IN THE VARIOUS CATEGORIES ALONG WITH THE DETAILS OF THE SANCTIONING ORDER.

/TRUE COPY/

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**J.B. KOSHY & K.PADMANABHAN NAIR, JJ.**

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O.P. No. 2670 of 1997 P

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Dated this the 19th day of December, 2006

**Judgment**

**Koshy,J.**

Petitioners were selected for appointment to various posts that occurred prior to 29.4.1995. Selection process was completed and selection list was also published prior to 29.4.1995. Even though some of the persons in the above selection list were appointed, petitioners were appointed only temporarily because of the Co-operative Societies Amendment Ordinance 10 of 1995 which came into force with effect from 24.9.1995. When the petitioners' services were sought to be terminated, they approached this court and obtained interim stay and were continuing in service. A Division Bench of this Court in Delson Davis v. State of Kerala (1999 (3) KLT 784) held that if selection process was completed before 24.9.1995, their selection will not be affected by the above ordinance. Similarly placed employees were given regularisation by judgments in various writ petitions. In fact, by order dated 16.8.2001, petitioners' services were regularised by the proceedings of the Managing Director of the Kerala State Co-operative Agricultural

and Rural Development Bank Ltd. Therefore, the original petition has become infructuous and petitioners are entitled to the benefit of the decision in Delson Davis v. State of Kerala (1999 (3) KLT 784) as well as the order of the Managing Director dated 16.8.2001.

The original petition is disposed of accordingly.

**J.B.KOSHY**
**JUDGE**

**K.PADMANABHAN NAIR**
**JUDGE**

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